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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,281	12/01/2003	Edward S. Miller	LVOX.006A	1828

20995 7590 08/27/2007

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER	
VO, HUYEN X	

ART UNIT	PAPER NUMBER
2626	

NOTIFICATION DATE	DELIVERY MODE
08/27/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
eOAPilot@kmob.com

Office Action Summary	Application No.	Applicant(s)	
	10/725,281	MILLER ET AL.	
	Examiner	Art Unit	
	Huyen X. Vo	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 June 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *18-24,34-42 and 51-72* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18-24,34-42 and 51-72* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on *01 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 18-21, 23-24, 34, 38-42, 51-55, 57-60, 65-69, and 72 are rejected under 35 U.S.C. 102(e) as being anticipated by Kriechbaum et al. (US 6975985).

3. Regarding claim 18, Kriechbaum et al. disclose a method of testing a speech recognizer, the method comprising:

receiving a selected portion of a digital audio data file (*element 300 in figure 4*);

receiving a grammar having a set of responses expected to occur in the selected portion (*SRS or speech recognition system 500 in figure 4 inherently includes a set of grammar*);

based at least in part on the selected portion and the grammar, producing a decode result of the selected portion (*result of the speech recognition system 500 in figure 4 is the decoded result*);

receiving a transcript of the selected portion (*True transcript 520 in figure 4*); and

scoring the decode result based at least in part on the transcript (*Aligner 550 in figure 4*).

4. Regarding claims 34 and 57, Kriechbaum et al. disclose a system for testing a speech recognizer, the system comprising:

an audio recorder module for receiving digital audio input (*element 300 in figure 4*);

a grammar editor module configured to access and allow modification of a grammar, the grammar comprising words, phrases, or phonemes expected to appear in the audio input (*SRS or speech recognition system 500 in figure 4 inherently includes a set of grammar, and the set of grammar may contain words, phrases, or phonemes*);

a speech recognition engine configured to output a recognition result based on the audio input and the accessed grammar (*result of the speech recognition system 500 in figure 4 is the decoded result*); and

a scoring module configured to score the recognition result based at least in part on a user-defined transcript of the audio input and the recognition result (*Aligner 550 in figure 4 aligns true transcript 520 with the decoded result*).

5. Regarding claims 19-21, 23-24, and 72, Kriechbaum et al. further disclose the method of Claim 18, wherein the set of responses comprises concepts, phrases, words, and/or phonemes (*SRS or speech recognition system 500 in figure 4 inherently includes a set of grammar, and the set of grammar may contain words, phrases, or phonemes*),

wherein the decode result comprises concepts, phrases, words, and/or phonemes (*inherent feature in a speech recognition system*), wherein the decode result comprises a confidence score (*inherent in speech recognition system*), creating and/or modifying a response file associated with the audio data file (*col. 3, lines 60-67*), and wherein the response file comprises the audio file, a portion of the grammar associated with the audio file, the decode result, and/or the transcript (*within the scope of the reference*), and transmitting the decoded result to a tuner module for processing (*referring to figure 4*).

6. Regarding claims 38-42 and 65-69, Kriechbaum et al. further disclose the system of claims 34 and 58, respectively, wherein the recognition result comprises a confidence score (*inherent in speech recognition system*), wherein the recognition result comprises a concept, phrase, word, or phoneme, wherein the recognition result comprises an indication of an acoustic model used by the speech recognizer in decoding the audio input, wherein the recognition result comprises an acoustic model score (*SRS or speech recognition system 500 in figure 4 inherently includes a set of grammar, and the set of grammar may contain words, phrases, or phonemes*), and further comprising a response file for logically associating the audio input, the transcript, the recognition result, and/or an output of the scoring module (*referring to figure 4*).

7. Regarding claims 51-55, Kriechbaum et al. further disclose the system of claim 34, wherein the speech recognition engine is configured to transmit the recognition

result to a tuner module for processing (*referring to figure 4*), the tuner module configured to transmit digital audio input to the audio recorder module and grammar to the grammar editor module (*referring to figure 4, within the scope of the reference*), further comprising a test module configured to initiate a testing cycle by processing and transmitting digital audio input and grammar to the speech recognition engine (*referring to speech recognition system 500 in figure 4 inherently includes grammars and speech models for comparing with the input speech*), wherein the speech recognition engine is configured to transmit the recognition result to a tuner module for processing (*referring to figure 4, within the scope of the reference*), the tuner module configured to transmit digital audio data and grammar to the test module (*referring to figure 4, within the scope of the reference*).

8. Regarding claims 58-60, Kriechbaum et al. further disclose the system of claim 57, further comprising a speech recognition engine configured to output a recognition result to the scoring module based on input received from the test module (*referring to figure 4*), wherein the speech recognition engine is configured to transmit the recognition result to a tuner module for processing (*referring to figure 4*), further comprising a tuner module configured to transmit digital audio data and grammar to the test module (*referring to figure 4, within the scope of the reference*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 22, 35-37, 56, 61-64, and 70-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kriechbaum et al. (US 6975985) in view of Official Notice.

10. Regarding claims 22, 35-37, 56, 61-64, and 70-71, Kriechbaum et al. fail to specifically disclose a user interface, wherein the user interface comprises a graphical user interface, wherein the graphical user interface is configured to display an output from a scoring module configured to score the recognition result based at least in part on a user-defined transcript of the audio input and the recognition result, and wherein the graphical user interface is configured to display the digital audio input and the accessed grammar. However, examiner takes official notice that such user interface is well known in the art, particularly in computer system, where speech recognition is performed on. The method of displaying recognized result is also well known. One particular advantage of displaying recognized result is for the user to proofread the transcribed text.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bahl et al. (US 6377921) and Heckerman et al. (US 6263308) are considered pertinent to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen X. Vo whose telephone number is 571-272-7631. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HXV

8/8/2007